

REMARKS

The helpfulness and courtesy of the Examiner during the telephone interview of June 18, 2007, are gratefully acknowledged.

The sole rejection in the instant application is that Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over Claims 1-23 of copending and commonly owned U.S. Patent Application Serial No. 11/063,682. It is noted that the indicated conflicting U.S. patent application has not been the subject of a double patenting rejection, and no office action has issued on the conflicting application. The double patenting rejection in the instant application is respectfully traversed.

As an initial matter, MPEP §804(II)(B)(1) indicates that “[a]ny obviousness-type double patenting rejection should make clear . . . (B) [t]he reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is anticipated by or would have been an obvious variation of the invention” recited in the claims of the conflicting application. However, the Office Action includes no explanation of the basis for the instant double patenting rejection other than to state that Claim 1 of the instant application and Claim 1 of the conflicting application “are very similar.”

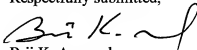
It is submitted, however, that the subject matter of the instant application and that of the later-filed conflicting application are quite different. The keyboard of the instant application includes a secondary conductor portion that is *elastically deflectable* between a relaxed position and a deflected position, and it includes keys that are movable between an initial position (Fig. 8), a first terminal position (Fig. 9) wherein a primary conductor is deflected, and a second terminal position (Fig. 10 or Fig. 11) wherein the primary conductor and a secondary conductor are deflected.

The claims of the conflicting application recite a keypad comprising a number of key sets (36) having a first key (60') and a second key (60''), with the first and second keys being disposed on a support (64). The first key (60') is actuatable to cause a primary conductor and a secondary conductor to complete circuits with a contact apparatus (Fig. 7). The second key (60'') is actuatable to cause the primary conductor and another secondary conductor to complete circuits with the contact apparatus (Fig. 8).

It is submitted that the claimed concept is neither anticipated by nor obvious in view of the other. Withdrawal of the rejection of the ground of double patenting is thus kindly requested.

If any matters remain unresolved, a telephone call to the undersigned would be welcomed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brij K. Agarwal", with a stylized flourish at the end.

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